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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN CARELLO,	:	X
Plaintiff,	:	07 Civ. 2914 (CLB)(MDF)
-against-	:	
THE CITY OF NEW ROCHELLE, THE NEW ROCHELLE POLICE DEPARTMENT, P.O. GEORGE ROSENBERGEN, AND P.O. JOHN/JANE DOES,	:	
Defendants.	:	X

LALIT K. LOOMBA, an attorney duly admitted to practice law before the Courts of the State of New York, and the United States District Court for the Southern District of New York, hereby declares, pursuant to 28 U.S.C. §1746, as follows:

1. I am an associate with the law firm Wilson, Elser, Moskowitz, Edelman & Dicker LLP, attorneys for defendants the City of New Rochelle (s/h/a "The City of New Rochelle" and "The New Rochelle Police Department") and Lieutenant George Rosenbergen (s/h/a "P.O. George Rosenbergen") (collectively, the "Defendants") in the above-captioned actions. I submit this affirmation in support of Defendants' motion for summary judgment on grounds of qualified immunity. I have knowledge of the facts set forth below based upon my review of the file in this action and upon my representation of the Defendants in this case.

2. A copy of plaintiff's summons and complaint is annexed hereto as Exhibit A.

3. A copy of the Defendants' answer is annexed hereto as Exhibit B.

4. A copy of the Court's scheduling order, dated July 20, 2007, is annexed hereto as Exhibit C.

5. Relevant pages from the deposition of plaintiff James Carello, taken October 18, 2007, are annexed hereto as Exhibit D.

6. A copy of plaintiff's civilian complaint, dated January 11, 2006, is annexed hereto as Exhibit E.

7. A copy of a photograph which, upon information and belief, depicts the plaintiff on January 11, 2006, is annexed hereto as Exhibit F.

8. On January 11, 2006, defendant George Rosenbergen held the rank of Sergeant with the New Rochelle Police Department. He was promoted to the rank of Lieutenant in May 2006.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 14, 2007.



Lalit K. Loomba